

PATENT
454313-2250.1#13
Misc ltr
6.18.03**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : AUDONNET et al.
Serial No. : 10/085,519
For : POLYNUCLEOTIDE VACCINE FORMULA IN
PARTICULAR AGAINST BOVINE
RESPIRATORY PATHOLOGY
Filed : February 28, 2002
Examiner : Z. Lucas
Art Unit : 1648

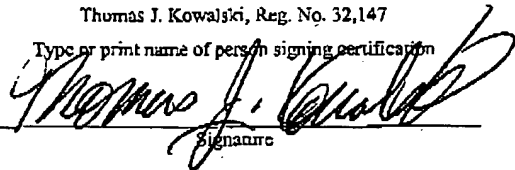
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April 15, 2003

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STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
Washington, D.C. 20231
Dear Sir:

This is in response to the April 8, 2003 Interview Summary that called for a Statement Of the Substance of the Interview conducted March 31, 2003, for which the Examiner is thanked for the courtesies extended. The following provides the substance of the interview:

The Examiner called and requested an election from among HN, F and HN and F. The undersigned noted that claim 12 states: "An immunogenic composition for inducing an immunological response against bovine parainfluenza virus type 3 comprising at least one plasmid that contains and expresses *in vivo* in a bovine host cell nucleic acid molecule(s) having sequence(s) encoding type 3 bovine parainfluenza virus HN protein, or F protein, or HN and F proteins," and thus, with the election of HN and F, with traverse, it is understood that HN and F can be expressed by one plasmid in the immunogenic composition or by more than one plasmid in the immunogenic composition, e.g., two plasmids in the immunogenic composition; and, can

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be expressed by one nucleic acid molecule having a sequence or more than one nucleic acid molecule having sequences, *see, e.g.*, claim 15.

Moreover, as a traverse to the requirement for election from among HN, F and HN and F, it was noted that with the election of HN and F, there is no undue or serious burden on the Examiner in searching and examining all of HN, F and HN and F, because the search and examination of the HN and F subject matter encompasses the search and examination of the HN subject matter and the F subject matter.

In this regard, the Examiner's attention is directed to the text of MPEP § 803 which, in part, states:

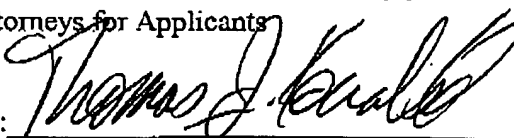
If the search and examination of an entire application
can be made without serious burden, the Examiner
must examine it on the merits ...

Accordingly, the election of claims 12-15 and 18, with traverse, as set forth in the previous Amendment and Response, and the election of HN and F, with traverse, as discussed during the telephonic interview, for which the Examiner is thanked, and as discussed herein, is confirmed.

In view of the foregoing, and the matters discussed during the March 31 telephonic interview, and the matters discussed in the previous Amendment and Response, reconsideration and withdrawal of the restriction requirement, including reconsideration and withdrawal of the requirement for an election from among HN, F and HN and F, and favorable examination of the pending claims on the merits are respectfully requested.

Respectfully submitted,

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